

1 Bennett J. Hansen, Esq.
2 bhansen@pregodonnell.com
3 John K. Butler, Esq.
4 jbutler@pregodonnell.com
5 Preg O'Donnell & Gillett, PLLC
6 1800 Ninth Avenue, Suite 1500
Seattle, WA 98101-1340
Telephone: (206) 287-1775
Facsimile: (206) 287-9113

Honorable James L. Robart

7

8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT
9 SEATTLE

10

11 UNIVERSAL INSPECTION GROUP,
LLC, a Nevada limited liability company,

12 Plaintiff(s),

13 v.

14 ALEC B. ANGUS and LALINE ANGUS,
15 and their marital community; and
16 INTEGRA INSPECTION GROUP, LLC, a
Washington limited liability company,

17 Defendant(s).

18

NO. C07-1965 JLR

DECLARATION OF JOHN K. BUTLER
IN SUPPORT OF MOTION TO EXTEND
DISCOVERY CUTOFF FOR
SPECIFIED DEPOSITIONS

NOTE ON MOTION
CALENDAR: January 29, 2009

19 Bennett J. Hansen hereby declares as follows:

20 1. I am over the age of 18 and am competent to testify in this matter. I am
21 an attorney of record for Defendant Integra Inspection Services, LLC ("Integra"). I am
22 familiar with and have knowledge of the events described herein.

23 2. Attached hereto as **Exhibit A** is an email correspondence from my
24 secretary, Katie Hayes, to Plaintiff Counsel Vic S. Lam attaching a proposed Agreed
25 Motion and Stipulated Order for review, on which I was cc'd.

DECLARATION OF JOHN K. BUTLER IN SUPPORT OF
MOTION TO EXTEND DISCOVERY CUTOFF FOR
SPECIFIED DEPOSITIONS - 1

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PREG O'DONNELL & GILLETT PLLC

1800 NINTH AVENUE, SUITE 1500

SEATTLE, WASHINGTON 98101-1340

TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

1 3. Attached hereto as **Exhibit B** is an email correspondence to me from
2 Plaintiff Counsel Vic S. Lam regarding, inter alia, the proposed discovery extension.

3 4. Attached hereto as **Exhibit C** is an email correspondence from me to
4 Plaintiff Counsel Vic. S. Lam attaching a proposed Agreed Motion and Stipulated Order
5 for review, per his request. I did not receive any notification of delivery error.

6

7 DATED this 20 day of January, 2009.

8

9

10 _____
11 /s/ John K. Butler
12 John K. Butler
13 WSBA 28528
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EXHIBIT A

John K. Butler

From: Katie Hayes
Sent: Thursday, January 15, 2009 12:26 PM
To: vslam@rocketmail.com
Cc: 'lish.whitson@whitsonlaw.com'; 'kristy.stell@whitsonlaw.com'; John K. Butler
Subject: UIG v. Integra
Attachments: Letter dated Jan 15, 2009.pdf; Agreed Motion and Stipulated Order to Extend Discovery Cutoff.pdf

Dear Mr. Lam:

Attached please find a letter dated January 15, 2009, along with *Agreed Motion and Stipulated Order to Extend Discovery Cutoff* for your review. Please do not hesitate to contact John Butler with any questions. Please let me know if you have any difficulty opening the attachment.

Regards,

Katie Hayes

Legal Assistant to John Butler,
David Chawes and Lori McKown
Preg O'Donnell & Gillett PLLC
1800 Ninth Ave., Suite 1500
Seattle, WA 98101-1340
Phone: (206) 287-1775
Fax: (206) 287-9113
Email: khayes@pregodonnell.com

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EXHIBIT B

John K. Butler

From: Vic Lam [vicslam@gmail.com]
Sent: Monday, January 19, 2009 4:11 PM
To: Bennett J. Hansen
Cc: Lish Whitson; Kristy Lee Stell; John K. Butler
Subject: Re: Mediation

Bennett:

I just got back to Seattle this afternoon. I have had a chance to discuss with my client again your request for mediation and the related issues. To accommodate your request, Mr. and Mrs. Roy have agreed to make themselves available in person here in Seattle on Saturday, 1/24/2009, for good faith settlement discussions in whatever format you want (e.g. mediation, settlement conference, or direct negotiation). Other than the charges earlier in the month for changing the airfare due to your requested rescheduling of their depositions, they do not need you/the insurance company to reimburse them for any airfare change charge or hotel stay. They will pay for my fees for attending the settlement conference/mediation if you choose to have one. However, they will not pay any mediator's fee for the third time in this case, and they will not be available until about 1:30 p.m. or 2:00 p.m. on Saturday for the mediation/settlement conference, but can stay late if necessary. You/Safeco can use Mr. Harris or whomever you want as the mediator. Mr. and Mrs. Roy will go to wherever you want and negotiate settlement in person and in good faith. Just let me know as soon as possible if you/Safeco want to do this, and if so, where we should go around 1:30 p.m. so that we can plan and make arrangement to attend.

As to your request regarding a joint motion for extension of the discovery cutoff, I indicated to you in our prior discussion why Plaintiff and I would not agree to the long extension you asked for. I want to make it clear that what you wrote in the joint motion is your/Defendants' request, I will discuss the contents with my client promptly. Please forward me a Word version of the joint motion so that I can revise it more easily.

Thank you.

Vic Lam

--
Law Offices of Vic S. Lam P.S.
Columbia Center
701 Fifth Avenue, Suite 4200
Seattle, WA 98104
Tel. (206) 224-3788
Fax (206) 338-2117

This e-mail and its attachment(s) contain information from the Law Offices of Vic S. Lam, P.S. which is confidential or privileged. The information is intended to be for the use of the individual or entity named as the recipient only. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this e-mail in error, please notify us immediately so that we can make appropriate arrangements.

On Fri, Jan 16, 2009 at 10:18 AM, Bennett J. Hansen <BHansen@pregodonnell.com> wrote:

Vic: I received your VM that you are out of town. As for the information I provided beginning on Wednesday, it appears that a mediation on MLK day is not going to happen.

Tom Harris has also made room in his schedule for next Saturday the 24th for a FULL day mediation. Given the history of the case, I recommend a full day.

You inquired about what Safeco was willing to do about cost sharing. I want you to know the cost sharing was my idea, and Safeco was not initially inclined to share any costs as they consider it unusual and a sign that your clients are not adequately interested in serious settlement talks. I explained your clients' position and recommended some cost sharing because I firmly believe that a mediation will not be successful if your clients are not here in person. What Safeco is willing to do on my recommendation is again pay for your clients' charge for changing their airfare to come to Seattle for a Saturday mediation and 50%; that is, 1 night of the 2 nights your clients will need to stay in town beyond what they otherwise would have done for their depositions. Safeco will agree to reasonable Seattle hotel rates at such hotels as the Sheraton or Westin.

As for paying the mediators fees, Safeco has not, and is unlikely to, agree to that. Practically, your clients can bring this up at the mediation as a settlement condition, or the fees may not be a big deal if a settlement occurs. Even if settlement does not occur, your clients have the right to ask for recovery at trial. I urge you to point that out to your client and not allow it to be a stumbling block.

I regret that you are not available for the earlier date as I will now have to keep preparing for trial. Accordingly, please respond to the joint motion for a discovery extension of 6 weeks based on targeted discovery (as you and I discussed) as soon as possible Monday. I originally intended to file by Friday but as a professional courtesy I will not act unilaterally since you are out of town.

I look forward to hearing from you about these matters.

Regards,

Bennett J. Hansen

Preg O'Donnell & Gillett PLLC

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Portland: 1318 S.W. 12th Ave., Portland, OR 97201-3367
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EXHIBIT C

John K. Butler

From: John K. Butler
Sent: Monday, January 19, 2009 5:33 PM
To: Vic Lam
Cc: Bennett J. Hansen; lish.whitson@whitsonlaw.com; Kristy Stell
Subject: RE: Mediation
Attachments: 112558.doc

Per your request. We are working at clarifying the proposed depositions for our side to streamline and reduce the number right now. We will have updates tomorrow.

John K. Butler
jbutler@pregodonnell.com

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